App F 1x 4

1926.

File No 2 37 26

Previous References

Serial Nos

Later References

General and Revenue Secretariat.

Serial Nos

Part B for 1927

SUBJECT

Maintenance and Upkeep of State Aided Roads i.e. Grants to Local Bodies

Council 985 b-82 No C 237-26-1 Dy 14 6.

Directs that the charges of the Maintenance of State Aided Roads and Grants should be borne by the Municipal Councils concerned & not the P W D

N° D 64

Subject,- Maintenance of State Fund Roads lying within Municipal limits

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DEWAN'S OFFICE
Received on
24 JAN. 1927
Reg No 5 412

Submitted to the Dewan of Mysore

2 In G O No I 4506-25/M1 L09-24-3 dated the 23rd December 1924, issued in the Local and Legislative Departments, it was ordered that-

(1) When any Municipal Council other than a City Municipal Council propose to levy tolls, they should submit to Government proposals after consulting the District Board as regards sharing the revenue or bearing in whole or in part the cost of maintenance of District Fund roads passing through the Municipality and that

(2) in regard to City Municipal Councils, the question of liability to maintain State and District Fund roads and of contributions from the State and District Funds would be decided according to the circumstances of each case

3 In the above Government Order the question of the liability of the Municipali in respect of the maintenance of State F roads lying within Municipal limits has been touched upon. At present the Tow Municipalities are not paying any contri bution on account of the maintenance of

State Fund roads passing through Municipal areas The traffic within the Municipal limits is comparatively heavy, as a result of which these sections of roads get deteriorated very rapidly On the other hand it is desirable that these sections lying within Municipal limits should be kept in a relatively better condition

4 The present mileage allotments for the maintenance of these State Fund roads are found inadequate on account of the extra wear and tear due to increased and heavy motor traffic, and as the Municipalities realise a considerable income on account of this heavy traffic it would be reasonable if they are required to pay a mileage grant equal to the Government grant for the sections of the State Fund roads passing through their limits and maintained by the Public Works Department

5 If approved, the Secretary to Government, Local and Legislative Departments will be consulted in the matter

17/2/

Secretary to Government,

P W Department

Bangalore,

24th January 1927

W & S

24/1/27

24/1/27

WD 0122—GPR—37,500—1926

3899d App F III—2]

General and Revenue Secretariat

File No of

Serial No

061 Q102/1927 PWD

Forwarded, with Compliments by the Hon'ble Government Local & Legislative Department for favour of remarks on the proposals Contained in this office Note No D 646 dated the 24th January 1927

Secretary to Govt 22/1

Pub Dept

RB

INDIA OFFICE

38994

28 FEB 1927

Rs 109-24-1-9

WD 01264—GPB—40 000 17 12 25

General and Revenue Secretariat

File No

19

Serial No

Maintenance of State Roads lying within Municipal limits

3 In Govt No 2 4506-25/Mt 105-24 3 & 23/1926 Govt have directed that when any Municipality desires to levy tolls, they should consult the Dist Bd as regards sharing the revenue or bearing in which or in part the cost of maintenance of such of roads passing thro' the Municipality

4 The Govt of Madras Commissioner that a similar arrangement may be ordered in regard to State Highways also on the ground that the mileage allotment for the maintenance of these roads is found inadequate due to increased heavy motor traffic & the Municipalities derive considerable income on account of heavy traffic passing along these roads

5 The question of making the Municipalities bear the cost of maintenance of such of the Dist Bd & State Highways when they levy tolls on these roads passing within their limits has been elaborately discussed in the Govt Memo No Mt 2 & 105-24

6 The practice in Bombay & Madras is stated in para 6 & 7 of the Govt

General and Revenue Secretariat

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of 192

Serial No

1 It will be seen from the statement in para 5 of the note that the expenditure incurred on State Feeder roads connected with the Municipalities that levy Octroi is not much. The statement was prepared for 1922-23 The conditions may not have very much changed & at all the expenditure might be put at Rs 2000. per annum The income from this is derived not only on carts de entering the Municipality but also in some cases on through traffic passing along the State feeder or other roads as the case may be There is no information as to what the income was on the latter alone

2. The reason why the Municipalities may not be called upon to pay towards the cost of maintenance of these lots of roads is discussed in paras 11 to 14 of the note in Vol 2 to 1924

3 The Committee appointed for the consideration of the question relating to the administration of the Octroi by the Bombay Municipalities have arrived at the conclusion that the Municipalities which have established Octroi should not be permitted to

General and Revenue Secretariat | File No. | of 192

Serial No

[illegible] on through traffic on the Provincial & District roads [illegible] within their limits [illegible] the rules [illegible] of the Act, [illegible] already [illegible] It may not be proper to ask them to meet the cost [illegible] any share towards the maintenance of these roads as necessary, the receipt of the report of the P.W. Committee which is being submitted to-day and the orders thereon may be awaited, or this question may be taken up in framing orders on the recommendations of the P.W. Committee.

9/12/25

(Sd) 7/12/25

(C) The suggestion at A above may be approved [illegible] recommendations of the Committee would be useful in arriving at a decision on the point.

First member. (Sd) 7/12/25

(D) Whenever toll is leased by a Municipal Council the distinction between State Road, District Road and Municipal Road [illegible] Municipal Council to Reef Town roads in the area, or to Contractors of the area. [illegible] P.W.D. has to maintain any road within Municipal limits. — This question was studied when B.B. & C.I. was in Select Committee, & there was [illegible]

NOTE—Contin. Sheet

4865

WD 01229—GPB—37 500—1 9 26

Serial No

made clear that he so In the
all these provision for
Govt dealing how to apportion
between diffnt local
authorities, & this also indicates
that Govt need not assume a
road only if money wants &
& pay Contribn, & if none &
neither pay Contribn nor maintains
the Act empowers Govt may
take action under one of the
other Sections.

12 There seems to be no need
to await the Coll's report on
this Question, as the Coll has not,
therein, enclosed it
The Law seems may
be enacted.

[illegible]
D/3/27

Law Secy Cott
Compts 7

P.S. 8/3

13

My opinion is placed in
1st number
this Govt file

11089/27

8.4.
23/4

28/4/27

14 The file may be sent to D
C.S. for info, & [illegible] may
take further necessary action the
Municipalities may be told that Govt
of mainly road with Mc limits
to be borne entirely by them, &
[illegible] it [illegible]

WD 01??—C I B ?? ,00—J ? 36
Ap[F III- ?]

[illegible] and Revenue Secretariat

File No

of 192

Serial No

charges incurred by them to all of any
kind on carts carrying material to
the pandal by Mr. The C E
may please note which Mr. ... will
do not maintain or pay Cost for
such orders hence issued

Dec
- 28/4

15

Forwarded to with Compliments to Mr. C h S
in Reference to information and return
of file

B O

Mr Venkateswaryan
Under Secretary

G O S
28 4 27

W 0 611
29/4/27

3
2

R Jc
1 10
1 11/4

Public Works Department
Central office

File No of 192

Serial No

16 Returned, with compliments-

ab no 1874/PWD
20th May 1927

2 It is seen from the reports of the Executi Engineers that the Municipalities in the District of Bangalore, Kolar, Tumkur, Mysore, Shimoga, Ka and Chitaldrug, are not contributing anything at present towards charges for maintenance of State Fund roads lying within the Municipal limits Executive Engineer, Hassan Division, has been -- requested to report whether any contributions ar being received from the Municipalities in that - District and the same will be furnished on recei

CHIEF ENGINEER OF 1927

TRS 17 Br Plea as draft
in terms of member's minute

20/5

(18)

A Draft [illegible]

23/5

Draft revised as instructed

27/5 30/5

Subd for app[illegible]

30/5

Note—Contn sheet.

Dft. Submitted

Dewan
Let issue
[illegible]

App. F [II—2]
General and Revenue
Secretariat

File No 36 of 192 6

Serial
No

AN'S OFFICE
Received on
7 JUN 1927

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1 6 27
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4

Dewan
Thro Secy

I agree

(If no rabbi right in pronaplan
how can Mungs & pay his
how many can afford & no d—
is another malik? If Unam Sh
sees how the rule rule work in
practice)

Imperial Bank Secretary
and Member

12870
11/6

11/6/27

Secretary
11/6

G-o No. L 8856-82 Dy 14 6 27
Directs that the last sentence of
be omitted

-Contn sheet

O P I N I O N

In re liability of the Municipal Council in respect of the maintenance of State Fund Roads lying within Municipal limits

The general question relating to the maintenance of State and District Fund roads passing within Municipalities was dealt with exhaustively in file No 109-24 Paras 1 to 6 of the Notes in that file deal with this question

I believe I am asked to examine the question from a legal point of view and not ~~upon~~ the policy that should guide Government in their dealings with Municipal Councils Under Cl(f) of Section 50(2) of the Municipal Regulation as amended up to 1926, all public streets lying within Municipal limits are vested in and belong to the Municipal Councils Under Sub Section (3) of Section 50, power is vested in Government to resume such property vested in the Municipal Council on such terms as the Government may determine Unless the Government exercise this power under this Sub Section all public streets are vested in and belong to Municipal ~~Councils~~ Councils Under Section 54(1), it shall be the duty of every Municipal Council to make reasonable provision for constructing, altering and maintaining public streets &c Hence a legal duty is cast upon the Municipal Council to maintain these roads out of Municipal funds If this duty is not performed the Government have power under Section 178 to get this ~~sum~~ duty performed by others be paid by the

Municipal Council and if the expense is not paid the Government may pass an order directing any person who has the Municipal fund in his custody to pay such expense &c and such person shall be bound to obey such an order It is therefore clear that the Municipal Councils within whose limits public streets, whether State Fund roads or District Fund roads are lying, have to maintain such roads which are their property and that on failure to discharge their legal duty, the Government may get it done by other agency and direct payment out of the funds of the Municipal Councils

23 4 '27

Proceedings of the Govt of H H the Maharaja of Mysore

M 1927-26-1

Flag A

Read --

G O No L 4506-25/Ml 109-24-3 dated the 23rd December 1924, directing that when any Ml Councils other than City Municipal Councils, want to levy tolls, they should first consult the District Board as regards sharing the revenue or bearing entirely or in part the cost of maintenance of the Dt Fund - roads passing through the Municipalities

2 G O Note No 646 dated the 24th January 1927 from the Secretary to Govt P WD suggesting that an arrangement similar to that ordered in the G O read above may be made in regard to State Fund Roads lying in Municipal limits

P W D

ORDER No L 8856-82

Dated Bangalore, 14th June 27

The Chief Engineer states that the Ml Councils are not at present contributing anything towards the maintenance of State Fund Roads in Municipal Limits and that the mileage allotment sanctioned in the P.W D is inadequate to meet the present heavy motor traffic and requests that the Municipal Councils may be asked to bear them entirely or in part the cost of maintaining Sections of the State Fund Roads ~~[illegible]~~ in the same manner as the Dt Fund Road lying within limits

2. under Section 74 (1) of the Ml

Regulation, it is the duty of Municipal Councils to keep the ~~xxxxx~~ roads within Municipal limits, whether Provincial, Dt Board, or Municipal, in good repair - or if the P W D or Dt Board maintain such roads to pay for the cost of repairs

Govt therefore agree with the Chief Engineer that Ml Cls should contribute towards the cost of repairing the sections of State Fund Roads lying within their limits They are accordingly pleased to direct that in the cases in which the P W D maintains such sections of State Fund Roads the charges incurred by the P W D (including any amounts levied as toll on carts carrying materials) for the repair of the said roads, should be paid by the Municipal Councils concerned. The Comptroller is requested to issue necessary instructions regarding the execution of such contribution to the P W D Manager

MW 30 — Gl Secretary to Govt

To

The Secretary to Govt P W D
" Chief Engineer in Mysore
" D Cs of Districts
" Comptroller to Govt
" Presidents of District Boards
Presidents of Municipalities